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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUBEN HERRERA,
Plaintiff,
v.
BRANDON PRICE, et al
Defendants.

1:21-cv-01070-HBK

ORDER GRANTING PLAINTIFF’S MOTION
TO PROCEED *IN FORMA PAUPERIS*

(Doc. No. 2)

Plaintiff Ruben Herrera, civilly detained at Coalinga State Hospital, is proceeding *pro se* in a civil rights action under 42 U.S.C. § 1983. (Doc. No. 1). Pending before the Court is Plaintiff’s motion to proceed *in forma pauperis*, filed July 8, 2021. (Doc. No. 2, “Motion”). Plaintiff submitted his motion on the application intended for prisoners. (*Id.*). However, individuals detained at Coalinga State Hospital pursuant to California Welfare and Institutions Code § 6600 *et seq.* are civil detainees and are not prisoners within the meaning of the Prison Litigation Reform Act. *Page v. Torrey*, 201 F.3d 1136, 1140 (9th Cir. 2000). Nonetheless, based upon Plaintiff’s statements to the questions on the application provided under penalty of perjury, the Court finds Plaintiff demonstrates he is indigent and otherwise is unable to afford the filing fee or costs in this action.

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Accordingly, it is ORDERED:

Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is GRANTED.

Dated: July 12, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE